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Application denied.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 24.

SO ORDERED.

Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
October 19, 2023

**VIA ECF**

The Honorable Phillip M. Halpern  
U.S. District Court for the Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1950  
New York, NY 10007

RE: *Sicard v. Kirkland's Stores, Inc.*  
Case No. 7:22-cv-07180

Dear Judge Halpern:

We represent Kirkland's Stores, Inc. ("Kirkland's" or "Defendant") in the above-referenced action. On behalf of all parties, and in accordance with Rule 3.C. of Your Honor's Individual Practices, and for the reasons summarized below, Defendant respectfully requests that the Court stay the current deadlines in the case, including the October 20, 2023 deadline to complete fact discovery, pending the outcome of the parties' mediation of Plaintiff's claim.

In the course of their meet and confers regarding the case, the parties have agreed to proceed to private mediation to continue to explore a potential resolution of the matter. The parties have selected Martin F. Scheinman, Esq., to serve as mediator. Mr. Scheinman is a well-known, highly-regarded mediator with extensive experience mediating cases of this type, and, accordingly, a very active practice as a neutral. In light of Mr. Scheinman's generally limited availability, however, and the challenges presented by aligning his availability with the respective schedules of the parties and attorneys who plan to attend the session, including some traveling to New York from out-of-state, the parties expect the mediation to be completed by January 12, 2024. In light of the above, and so the parties may direct their respective resources toward a potential resolution of the case, we respectfully request a stay of the current deadlines in the case pending the outcome of the parties' mediation.

This is the parties' first request for the relief sought herein. Thank you for Your Honor's consideration of this request, and attention to this matter.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

By /s Evan B. Citron

Evan B. Citron

cc: All counsel of record (via ECF)